

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 17, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; and Steve Stine, Township Solicitor.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made motion to approve the minutes of the February 13, 2007 workshop meeting, and the March 20, 2007 special workshop meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

None was presented.

Chairman & Board Members' Comments

None was presented.

Manager's Report

Mr. Wolfe noted that Lower Paxton Township was participating, at this time, in a Three Mile Island Training Drill. He noted that the Emergency Operations Center is open and staffed by personnel who are being observed by personnel from Pennsylvania Emergency Management Association (PEMA). He noted that these drills are scheduled annual events, and the Township would receive an evaluation report on its performance.

Mr. Wolfe explained that United Water PA has notified the Township that it will continue to flush fire hydrants in the Township through mid June. He noted that this is done to remove harmless material that collect in the water mains, as well as assuring water quality. In addition, flushing also ensures that fire hydrants are working properly and available for emergency purposes. He noted that some customers may experience low water pressure or discolored water, and United Water PA recommends that the water should be clear before using it to wash or drink.

Mr. Wolfe noted that the most recent edition of The Township's Newsletter highlighted an article reprinted from The Pennsylvania Township News. He explained that this publication is prepared by the Pennsylvania Association of Township Supervisors (PSATS), and the article titled "Just say No, It's Not that Easy for the Board", explains the process by which Board members must base their decisions. Mr. Wolfe proceeded to read the article that explained that the Board members cannot just say no when making land use decision. Rather, the Board must comply with State laws and local ordinances to include the Pennsylvania Municipalities Code, a State guide that was enacted to assist local officials as they develop their communities. He further explained that the Township must allow for every land use, as well as controversial uses. He noted that if the applicant has complied with the law, then the Board members must approve the use.

Mr. Seeds noted that he was happy that this article was reprinted for the residents as Board members are well aware of their requirements, and this would help to clarify, to the public, the rules by which the Board is governed.

OLD BUSINESS

There was no old business to present.

NEW BUSINESS

Proclamation 07-01; Designating Arbor Day in Lower Paxton Township

Mr. Hawk proceeded to read the Proclamation declaring Wednesday, April 25, 2007, as Arbor Day in Lower Paxton Township.

Mr. Blain made a motion to adopt Proclamation 07-01; designating Arbor Day in Lower Paxton Township. Mr. Crissman seconded the motion, and a unanimous vote followed.

Mr. Seeds noted that the ceremonies will take place Wednesday, April 25, 2007 at the Municipal Center at 12:30 p.m. He noted that students from E. Philips Elementary School will be present to assist in the planting of two trees. He noted that everyone is invited to attend.

Resolution 2007-21; authorization to submit a grant application for greenway development to PA DCNR

Mr. Hawk noted that the Township is in the process of developing a Township-wide Greenway Master Plan that would increase the quality of life for the residents of the Township by providing pedestrian/bikeway connections between various parks, neighborhoods, and schools.

Mr. Wolfe explained that the grant application to the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) is for \$490,000 and intended to match a larger grant that is available from the Hometown Streets and Safe Routes to School Program sponsored by PENNDOT. He noted that the Greenway Plan is nearly finished, and this grant application, if awarded to the Township, would begin the implementation of a portion of the Greenway Plan. He noted that it would fund the development of greenways to connect seven schools located in the southwest portion of the Township. He explained that each of these schools has students that walk to school on a daily basis, and it is important to have a defined and safe walkway system for these students to access. He noted that the PENNDOT grant is an eligible funding source in

the amount of \$1,957,500 that would require a second grant application. He noted that the total project cost is \$2,447,500.

Mr. Wolfe noted that staff has requested authorization to apply for this grant, and if awarded, then a second grant application would be submitted to PENNDOT.

Mr. Seeds stated, if the Township was awarded the \$490,000 from PA DCNR, then he hoped that there would be some cooperation with PENNDOT to award the second grant. He noted that receipt of the first grant would not fund the project, and that it would be very important to receive the funds from the second grant as well.

Mr. Crissman made a motion to approve Resolution 2007-21, the authorization to submit a grant application for greenway development to Pennsylvania Department of Conservation and Natural Resources. Mr. Blain seconded motion, and a unanimous voted followed.

Ordinance 07-02; rezoning 6500 Union Deposit Road from AR to the
Open Space Overlay District

Mr. Hawk noted that a public hearing would be conducted by Mr. Stine for the rezoning of 6500 Union Deposit Road from AR, Agricultural Residential, to the Open Space Overlay District.

Mr. Wolfe noted that he and Mr. Stine would be acting as staff for this zoning application since staff is attending training out of the area.

Mr. Stine explained that this is the time and date set for a public hearing on Ordinance 2007-02, which would rezone a property located at 6500 Union Deposit Road, owned by Lawrence Conjar. He noted that the land encompasses an area of approximately 19.08 acres, and is located on Union Deposit Road, west of Copperstone Road. The applicant proposes to rezone 19.08 acres from its current AR, Agricultural Residential District, to an Open Space Overlay District.

Mr. Stine requested the applicant to provide his comments at this time.

Mr. Tim Wakefield, Act One Consulting, explained that the 19 acres would consist of 18 single-family lots, 20,000 square foot each. He noted that the right of way for the lots would be from Union Deposit Road to Britton Road, and that the plan is required to preserve 40% of the total acreage in open space which amounts to 7.63 acres. He noted that the open space area is a pristine wooded area, and the wetlands have been preserved. He explained that the development will be buffered from the adjoining properties with this wooded area. He added that the open space is compatible with the recreation facilities in the northeast corner of the property.

Mr. Wakefield noted that the 7.63 acres outside of the residential lots will be overseen by a Homeowners Association. He explained that the maintenance and preservation of this area would be regulated by the Homeowners Association, and that a separate deed would be written and recorded.

Mr. Seeds suggested that a question was raised about the total amount of acreage for the open space area. He noted that one section states that the open space is 7.63 acres and the Dauphin County Planning Commission comments states that it is only 6.80 acres. Mr. Wakefield noted that the correct amount of acreage to the dedicated right-of-way is 19.08 acres, and 7.63 acres would be preserved as open space.

Mr. Hornung noted that Mr. Wakefield stated that the open space land would be deed restricted. Mr. Wakefield explained that the land would be governed by the Homeowners Association. He noted that it would be a separate deed and separate entity. Mr. Hornung questioned if the deed would name the Homeowners Association as the owner. Mr. Wakefield answered that it would be. Mr. Hornung questioned if the Homeowners Association would need to be established prior to the start of the project. Mr. Wakefield noted that it would be created as a separate entity, and he would be responsible for it during the subdivision and land development process. Mr. Stine explained that the initial member of the Homeowners Association would be the developer, and he would control it until it was turned over to the Homeowners Association.

Mr. Seeds noted that there is nothing to keep the property owners from expanding their yards into the open space. Mr. Wakefield noted that DEP does not like to see wetlands located in many lots; therefore, it is significant that a separate entity controls that area. He noted that it is a legitimate boundary line. He noted that fences could be installed to control the boundary line. Mr. Seeds suggested that the installation of fences would defeat the purpose of the open space. Mr. Wakefield noted that the boundary line is an established property line, and the open space land would not be owned by the individual property owners who abut the land. He suggested that he could design safe guards to preserve the space, the trees, and the maintenance of the open space.

Mr. Seeds noted that he did not like the nature of the open space and would prefer it to be a continuous area that could be developed for some type of recreational use. He suggested that the residents would just expand their yards into the open space. Mr. Wakefield noted that there is room to make it curb-linear rather than delineated. He noted that he could pick out some areas with older trees to preserve, but he was trying to achieve a buffer from the adjoining developments, using the topography and the trees that are located on the tract. He suggested that this is the best that could be done. Mr. Seeds suggested that property owners will clear behind their homes. Mr. Wakefield responded, that taking into account the size of the homes and lots, he did not think that that type of activity would occur. He suggested that people will buy the lots because of the open space behind their homes.

Ms. Katherine Stewart, 6510 Union Deposit Road, questioned if the open-space overlay permitted more homes to be developed. Mr. Stine answered that it did not; it allows for the clustering of lots in preservation of the open space. Mr. Blain noted that it provides the option for smaller lot sizes and for the same number of homes if the tract was zoned AR or R-1. Ms. Stewart noted that the vote taken by the Zoning Hearing Board members was four to three, a very close vote.

Ms. Theresa Wix, 6490 Gallup Road, noted that the Dauphin County Planning Commission (DCPC), in a letter dated February 5, 2007, recommended that the zoning change not be approved since the tract failed to meet the minimum 10-acre requirement. Mr. Stine noted that the ordinance requires a minimum of ten acres for the tract to be rezoned, and he noted that the (DCPC) was not correct in their comment. Mr. Stine noted that as long as the two tracts are under common ownership, and it is at least ten acres, it is possible to be rezoned to the open space district.

Mr. Seeds noted that the DCPC also had a problem with rezoning the tract so soon after the adoption of the new Zoning Ordinance. He noted that the Township did rezone the tract from R-1 to AR.

Mr. Tom Grierson, 6422 Churchill Road, explained that he lives at the fourth house on Churchill Road, and one of the reasons he purchased the home was due to the tree line on the adjacent property. He noted that it provides for a natural boundary, and he would like to see it remain as it is. He questioned how to prevent a resident from the new development from cutting trees in the open space area. Mr. Stine answered that the Homeowners Association would own, manage and enforce the covenant established for the open space. He noted that, typically, there is a clause in the Homeowners Association regulations, that if they do not enforce the regulations, then the Township has the ability to do so. He noted that the Township would have the right to bill the Homeowners Association for any costs that it would incur, and if the bill was not paid, the Township could place a lien on the properties. Mr. Grierson questioned if Mr. Stine would review the Homeowners Association regulations. Mr. Stine answered that the zoning ordinance requires the review of the Homeowner's Association agreements.

Mr. Russell Witmer, 1634 Buckingham Road, questioned where the road extends to Britton Road in the vicinity of the volleyball courts and park area, what was planned for the road extension. Mr. Blain explained that, at this time the issue at hand is the rezoning of the land, not

the future development for the land. Mr. Witmer explained that he wanted to go on record that there are concerns that the road would be extended through to the King Crossing Development in the park area. He noted that he wants an assurance that there would be safety precautions taken in the vicinity of the park to include signage for the park area. He suggested that a traffic study should be completed for the road extension into this area, especially for the park area. Mr. Blain explained that these issues would be discussed as part of the land development plan.

There being no further comments, Mr. Stine closed the public hearing for Ordinance 2007-02; and noted that the Board could take action if it so desires.

Mr. Seeds made a recommendation to postpone consideration for Ordinance 2007-02 until a discussion could be held with the developer during a workshop meeting. Mr. Crissman questioned if the motion was to table the plan. Mr. Seeds noted that the motion could be changed to table Ordinance 2007-02. Mr. Crissman noted that he would want to discuss the issues with Mr. Conjar at the first possible date to prevent further delays in the project. Mr. Crissman seconded the motion to table Ordinance 2007-02.

Mr. Blain noted that the motion was to table the rezoning of the property. He noted that his concern is that there are additional discussions needed on the open space locations, but he noted that the plan should not be tabled on the configurations of the plan. He noted that the purpose of the Ordinance is to rezone the land, not approve the open space location. He suggested that there is no obstacle to the rezoning, but more discussion is needed for the land development plan.

Mr. Hawk called for a roll call vote: Mr. Blain, nay; Mr. Crissman, aye; Mr. Hornung, nay, Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Blain suggested that there was no issue with the rezoning; rather the issues are related to the land development plan. He noted that the land development issues are not a part of the rezoning request.

Mr. Crissman questioned how quickly the rezoning could be scheduled for further discussion. Mr. Wolfe answered that he could schedule the Ordinance rezoning for May 8th, during the workshop meeting, and it could be brought to the May 15th business meeting.

Preliminary and final subdivision plan for Lawrence W. Conjar, Union Deposit Road

Mr. Wolfe noted that the purpose for this proposal is to incorporate the two lots that were discussed previously as part of the rezoning into one lot of 19.08 acres. He noted that this is not the full subdivision plan, only taking two lots to form one. He noted that the applicant is requesting this as part of the current AR zoning district, and has requested five waivers. He noted that staff supports waivers 1, 2, 4, and 5. However, the Planning Commission has recommended that the third waiver, a waiver to provide curbing, not be approved, and be provided along Union Deposit Road at the time of the development of the lot. He noted that staff has listed five general conditions for plan approval. He noted that the plan is complete for action at this time.

Mr. Hawk noted that this plan could be approved even though the rezoning was not. Mr. Wolfe answered that this plan combines two lots into one lot only and was not affected by the rezoning request.

Mr. Crissman questioned Mr. Wakefield if he was in agreement to the five listed waivers, to include the recommendation to install curbing along Union Deposit Road. Mr. Wakefield noted that he was in agreement to the five listed waivers to include the installation of curbs along Union Deposit Road. Mr. Crissman noted that waiver number three could be withdrawn. Mr. Crissman questioned Mr. Wakefield if he was in agreement to the five general conditions. Mr. Wakefield answered that he was.

Mr. Crissman questioned if Mr. Wakefield was in agreement with the six comments provided by HRG, Inc. in their letter dated April 12, 2007. Mr. Wakefield answered that he is in agreement to the letter dated April 12, 2007.

Mr. Crissman made a motion to approve the Preliminary/final subdivision plan for Lawrence W. Conjar, Union Deposit Road to include the following waivers... Mr. Wolfe interrupted and noted that waiver number three also included a request for a waiver from the requirement for sidewalks; therefore it should remain in the list of waivers. Mr. Hornung suggested that it would be good to permit all the waivers at this time, because it would not make sense to put the curbing in before any possible road widening could be considered. He noted that it would be a mistake to have the curbing installed if there would be a possibility that the roadway would need to be widened. He recommended approving the waivers at this time. Mr. Seeds agreed, noting that he would like to see the road widened, and stated that all five waivers be approved at this time since there would be a second opportunity to address these waivers for the final subdivision plan.

Mr. Crissman corrected his motion to approve the Preliminary/final subdivision plan for Lawrence W. Conjar, Union Deposit Road to include the following five waivers, five general conditions, and a sixth general condition that includes the six comments found in the HRG, Inc. letter dated April 12, 2007: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to submit an Erosion and Sedimentation Control Plan; 3) Waiver of the requirement to provide curb and sidewalks; 4) Waiver of the requirement to provide a stormwater management plan; 5) Waiver of the requirement to provide road widening along Union Deposit Road; 6) Plan approval shall be subject to providing original seals and signatures; 7) Plan approval shall be subject to the payment of engineering review fees; 8) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 9) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 10) Plan approval shall be subject to the Lower Paxton Township Sewer Department's review and approval of a sanitary sewer design, and 11) a sixth general condition that includes the six comments found in

the HRG, Inc. letter dated April 12, 2007. Mr. Seeds seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-07; accepting streets in Old Iron Estates, Phase III
Resolution 07-17; accepting streets in Kendale Oaks, Phase I

Mr. Crissman made a motion to adopt Resolution 07-07; accepting Deere Lane, Farmcrest Lane, and McCormick Lane in Old Iron Estates, Phase III, and Resolution 07-17; accepting two sections of Beaver Spring Road, and Creek Run Road in Kendale Oaks, Phase I. Mr. Blain second the motion, and Mr. Hawk called for a voice vote. A unanimous vote followed.

Mr. Seeds noted that Mr. Snyder noted a correction on the overall tangent distances on Creek Run Road, and he questioned if this was corrected. Mr. Wolfe noted that he did not know if this was corrected at this time on the plan.

Mr. Crissman made a motion to approve the two maintenance agreements for Deere Lane, Farmcrest Lane, and McCormick Lane in Old Iron Estates, Phase III, and two sections of Beaver Spring Road, and Creek Run Road in Kendale Oaks, Phase I. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 07-19; Planning Module for Schiavoni, LTP
Resolution 07-20; Planning Module for 4800 Linglestown Road, Kusic Capital Group

Mr. Crissman made a motion to adopt Resolution 07-19; Planning Module for Schiavoni, LTP, and Resolution 07-20; Planning Module for 4800 Linglestown Road, Kusic Capital Group. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were six improvement guarantees for consideration.

Community General Osteopathic Hospital (ExMod)

A reduction in a letter of credit with Wachovia Bank in the amount of \$16,830.00 with an expiration date of June 30, 2007.

Community General Osteopathic Hospital Rehab Hospital Expansion

A release in a letter of credit with Wachovia Bank in the amount of \$17,160.00.

Old Iron Estates, Phase IV

An extension and increase in a letter of credit with Fulton Bank in the amount of \$36,669.05 with an expiration date of April 20, 2008.

Autumn Ridge, Phase III

An extension and increase in a letter of credit with Fulton Bank in the amount of \$80,065.70 with an expiration date of May 6, 2008.

Rite Aid Corporation

An extension and increase in a bond with Westchester Fire Insurance Company in the amount of \$40,700.00 with an expiration date of May 24, 2008.

The Townes at Forest Hills

A release in a letter of credit with Graystone Bank in the amount of \$124,209.25.

Mr. Seeds noted that the explanation that he received for the release for The Townes at Forest Hills was due to the acceptance of the change from a letter of credit to a bond made at the previous meeting.

Mr. Crissman made a motion to approve the six listed Improvement Guarantees. Mr. Blain seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Seeds made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8:38 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary